

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	
)	CASE NO. CR21-118 JLR
Plaintiff,)	
)	
v.)	
)	ORDER DENYING MOTION FOR
JALEN AZIZ,)	TEMPORARY RELEASE
)	
Defendant.)	
_____)	

This matter comes before the Court on Defendant's motion for temporary release to attend his grandfather's funeral. Dkt. 30, 31. For the reasons set forth below, the Court DENIES the motion for temporary release.

PROCEDURAL AND FACTUAL BACKGROUND

On July 8, 2021, the government arrested the Defendant pursuant to a Complaint. Dkt. 1. The government filed a Motion for Detention that same day and Defendant initially stipulated to detention. Dkt. 4, 5. On July 23, 2021, the Defendant filed a motion to reopen his Detention Hearing. Dkt. 13. The government did not oppose. On July 28, 2021, a Detention Hearing was held before this Court. Dkt. 16. During the hearing, defense counsel

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01 told the Court that the Defendant had begun intake for Community Passageways, a
02 community-based program that works to help young people successfully integrate into the
03 community after criminal justice involvement. After hearing argument from counsel for the
04 parties, the Court ordered the Defendant detained pending trial, and issued a Detention Order.
05 Dkt. 17.

06 On October 8, 2021, the Defendant moved to reopen the Detention Hearing. Dkt. 21.
07 On November 3, 2021, the Court heard argument on the Motion from counsel for the
08 Defendant and the government, and also heard information about the YMCA Alive and Free
09 program from Mr. Sampson, Director of the program. Counsel for Defendant informed the
10 Court that Ollala Recovery Center had completed an intake review with Defendant for
11 inpatient drug treatment and had declined to offer him services. After hearing argument from
12 the parties and with input from the United States Probation Office, the Court granted a two-
13 week continuance to allow defense counsel to obtain further information on alternative
14 inpatient drug treatment options. On November 16, 2021, counsel for Defendant sought a
15 further continuance. The Court denied the motion to continue and the motion for release.
16 Dkt. 28.

17 On November 18, 2021, Defendant filed a motion for temporary release to attend the
18 funeral of his grandfather. Dkt 30, 31. The Defendant proposed release for one day to
19 attend the funeral and a small family gathering, with a return to the FDC by 10:00 p.m.
20 Defendant's mother would act as third-party custodian. Because of the upcoming court
21 closure and the illness of the assigned AUSA, the Court permitted the government to respond
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01 via email, and the Defendant to likewise reply by email. The government noted that the
02 Defendant is currently serving seven days in solitary confinement as the result of being in an
03 unauthorized area, a minor infraction, on November 22, 2021.

04 DISCUSSION

05 Temporary release may be granted if the Court determines that release is “necessary
06 for preparation of the person’s defense or for another compelling reason.” 18 U.S.C. §
07 3142(i). A defendant bears the burden of establishing circumstances warranting temporary
08 release under § 3142(i). *United States v. Terrone*, 454 F.Supp. 3d 1009, 1018 (D. Nev.
09 2020). The original grounds for detention remain a factor in the court’s analysis. *United*
10 *States v. Rhule*, No. 20-CR-105-JCC, 2021 WL 63250, at *4 (W.D. Wash. Jan. 7, 2021). The
11 relief authorized by § 3142(i) is to be used “sparingly.” *United States v. McKnight*, 2020 WL
12 1872412 at *2-3, CR18-16-TSZ (W.D. Wash. April 15, 2020).


13 The Court recognizes the extremely challenging circumstances presented by the death
14 of Defendant’s grandfather, and Defendant’s understandable desire to be present with his
15 family at the funeral and subsequent family gathering. However, the Court must continue to
16 consider the factors that warranted Defendant’s detention, involving both risk of flight and
17 danger to the community. *See* Dkt. 17, 28. None of those circumstances have changed.
18 Defense counsel notes that temporary post-conviction release is permitted in certain
19 circumstances where “there is reasonable cause to believe that a prisoner will honor the trust
20 to be imposed in him” 18 U.S.C. 3145(c). Here, the Court finds no basis for belief that
21 Defendant “will honor the trust to be imposed in him” given Defendant’s prior failures to
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01 report for supervision, failures to appear to address supervision violations, and his repeated
02 refusal to comply with court orders to refrain from gun possession. It is also noteworthy that
03 at a time that Defendant was, presumably, aware of this pending motion for temporary
04 release, he failed to comply with the conditions of his detention and committed the infraction
05 of being in an unauthorized area. Although the Court recognizes that Defendant's mother
06 has offered to support his temporary release through third-party guardianship, this factor
07 cannot sufficiently mitigate the risks presented by Defendant in terms of both danger to the
08 community and risk of nonappearance.

09 The motion for temporary release is DENIED.

10 DATED this 23rd day of November, 2021.

11 
12 S. KATE VAUGHAN
13 United States Magistrate Judge
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